IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 284 of 2004 (M/B)

Capt. Jawahar Singh Rawat (Retd.),
S/o Late Bhajan Singh Rawat,
Village Bishanpur, P.O. Kumbhi Chaur,
District Pauri Garhwal and 8 others. ……. Petitioners

Versus

1. State of Uttaranchal,
through Chief Secretary,
P.W.D., Uttaranchal, Dehradun.
2. Collector,
Pauri Garhwal, Uttaranchal.
3. Special Land Acquisition Officer,
Pauri Garhwal, Uttaranchal.
4. Executive Engineer,
Public Works Department,
Kotdwar, District Pauri Garhwal,
Uttaranchal.
5. Executive Engineer, P.W.D.,
Pauri Garhwal, Uttaranchal. …… Respondents

Mr. Ambrish Chatterji, Advocate for the petitioners.
Mr. N.C. Gupta, Sanding Counsel for the State of Uttaranchal.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. P.C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Ambrish Chatterji, Advocate for the petitioners.

Mr. N.C. Gupta, Standing Counsel for the respondents.

They are heard.

2. The petitioners have filed this writ petition for the following reliefs:

> "(i) Issue a writ, direction or order in the nature of mandamus directing the respondents to make payment of compensation to the petitioner forthwith for their land acquired by the respondents in the year 1984.
>
> (ii) Issue a writ, direction or order in the nature of mandamus directing the respondents to make 36% interest to the petitioners from the date their land was acquired or grant them compensation at present market

value of the land alongwith penalty of Rs. 1 lakh from the respondents.

(ii-A) Alternatively issue a writ, direction or order in the nature of certiorari by quashing the award of Collector, Pauri Garhwal in respect of land of the (Khata nos. 1 ,2, 5, 14 and 29 of Village Bisanpur, Khata no. 18 of Village Ratanpur District Pauri Gahrwal) which was acquired in the year 1984.

(ii-B) Issue a writ, direction or order in the nature of mandamus by directing the Collector, Pauri Garhwal to make fresh award in respect of land of the petitioners acquired by the state in the year 1984 by granting compensation at the present market rate.

(iii), Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper circumstances of the case.

(iv) Award the cost of the writ petition to the petitioners."

3. The petitioners are claiming compensation on the assumption that their lands have been acquired by the respondents under the provisions of Land Acquisition Act, 1894.

4. The respondents, in their counter affidavit, have categorically stated that neither the petitioners' lands have been acquired nor they have been dispossessed from their lands.

5. In this view of the matter, the reliefs sought by the petitioners in the writ petition cannot be granted.

6. The petitioners, however, shall be at liberty to work out the other remedies under the relevant provisions of law for the redressal of their grievances projected in the writ petition by establishing the alleged fact of their dispossession without acquisition.

7. With the above observation, the writ petition stands disposed of.

(P.C. Pant, J.) **(Rajeev Gupta, C.J.)**
03.04.2006 **03.04.2006**

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